

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KEITH BRUCE, Individually and on)
behalf of all others similarly situated)
)
)
Plaintiffs,)
)
)
v.) No. 3-18-cv-00688
)
WASTE INDUSTRIES, LLC)
)
)
Defendant.)

ORDER APPROVING SETTLEMENT

In this collective action under the Fair Labor Standards Act, the parties have filed a Renewed Joint Motion to Approve Settlement Agreement (Doc. No. 83). The proposed settlement calls for the Named Plaintiff and each of the Opt-In Plaintiffs to receive an amount equal to approximately two (2) hours of overtime compensation for each week they worked for Defendant during the three year recovery period, with no further deductions for fees or costs. The agreement further provides that the Named Plaintiff will receive an additional \$10,000 as an incentive award, and that Plaintiffs' counsel will receive attorney's fees equaling approximately 34-35% of the common fund, which is less than the agreed-to 40% contingency fee arrangement Named Plaintiff had with counsel.

Having fully considered the matter, the Court **FINDS** the proposed settlement to be fair, just, and reasonable because (1) a *bona fide* dispute exists regarding damages and liability; (2) Plaintiffs are represented by counsel experienced in handling wage and hour collective actions, and Defendant is represented by counsel experienced in defending such claims; (3) there is no evidence or suggestion that there was collusion between counsel; (4) the range of possible recovery is uncertain; (5) the proceedings are at such a stage to have allowed counsel to fully investigate the claims; (6)

the agreement was reached after a day-long mediation before a neutral mediator experienced in wage and hour matters; and (7) without a settlement, the parties would have to spend significant time, effort and resources in conducting further discovery, preparing the case for trial, and a potential appeal.

Accordingly, the Renewed Joint Motion to Approve Settlement Agreement (Doc. No. 83) is **GRANTED**. This case is **ADMINISTRATIVELY CLOSED** until the parties file a joint notice with the Court stating that the entire settlement has been paid in full, at which point this action will be dismissed with prejudice.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE